IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13342 of 2005

Between:

Dasetti Koteswara Rao S/o. Ramula
R/o. Karanamgari St. Korukonda Village & Mandal, East Godavari District.

..... PETITIONER

AND

1 The State Election Commission, 3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad.
2 The District Collector, Kakinada, East Godavari District.
3 The Electoral Registration Officer, And Revenue Divisional Officer, Rajahmundry, East Godvari (Dt).
4 The District Panchayat Officer, Kakinada, East Godavari (Dt.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus to declare the action of the respondents in issuing the election notification dt. 8-6-2005 relates to conduction of Elections including polling for sarpanch post of Korukonda Gram Panchayath of East Godavari District, as illegal arbitrary and violation of principles of natural justice and set aside the election notification dt. 8-6-2005 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.U.SUMAN

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following :

ORAL ORDER

To declare the action of the respondents in issuing the election notification dated 08-08-2005 for the election of Sarpanch of Korukonda village and Mandal, East Godavari District, as illegal arbitrary and violation of principles of natural justice and violation of Articles of 14,19,21 and 300 of the Constitution of India, the petitioner filed this writ petition.

Heard the learned counsel appearing for the writ petitioner and the learned Government pleader appearing for the respondents.

The pith and substance of the writ petition is that the name of the petitioner was deleted from the electoral rolls of the Gram Panchayath, Korukonda village, East Godavari District, with a *mala fide* intention to prevent the petitioner to contest the post of Sarpanch. Now, the respondents have issued election notification dated 08-06-2005 fixing the schedule as 17-06-2005 to 18-06-2005 for filing nominations, for withdrawal of nominations before 21-06-2005 and poling shall be on 28-06-2005.

It is well settled principle of law that once election notification is issued fixing the schedule of the election, the question of interfering with the election notification does not arise. If the petitioner is aggrieved, he can agitate his grievance before the Election Tribunal. Accordingly, I do not find any reason to interfere with the election notification and thus, this writ petition fails and is liable to be dismissed.

Hence, the writ petition is dismissed. In the circumstances, no order as to costs.

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ELIPE DHARMA RAO,J

22ND JUNE 2005

*TSNR

To

1 The State Election Commission, 3rd Floor, Buddha Bhavan, M.G. Road, Hyderabad.
2 The District Collector, Kakinada, East Godavari District.
3 The Electoral Registration Officer, And Revenue Divisional Officer, Rajahmundry, East Godvari (Dt).
4 The District Panchayat Officer, Kakinada, East Godavari (Dt.)

5. Two CCS to G.P for PANCHAYAT RAJ & RURAL DEV.High Court Buildings, Hyderabad(OUT)

6. Two C.D.Copies.